



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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April 20, 2017

## TECHNICAL STAFF REPORT

*Planning Board Meeting of May 4, 2017*

**Case No./Petitioner:** ZB 1112M – Howard Research and Development Corporation

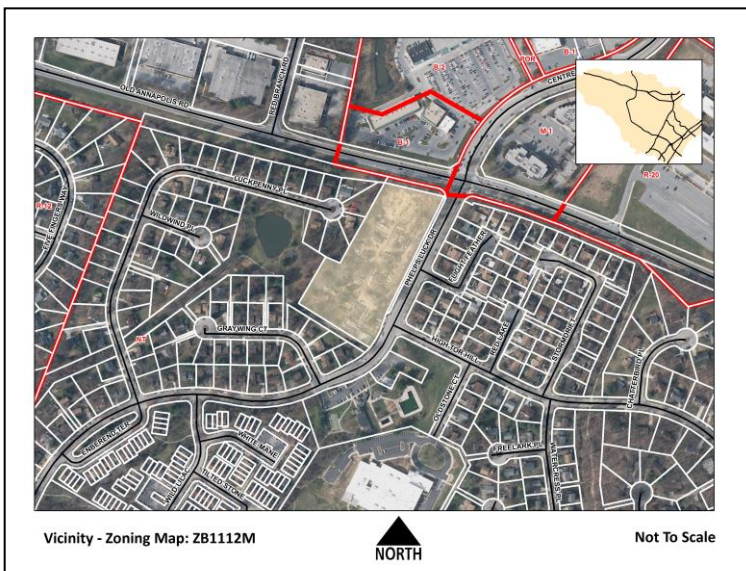
**Locations:** Southwest corner of the Phelps Luck Drive intersection with MD 108.  
Tax Map 30, Grid 24, Parcel 289, Parcels O and N; 5320 Phelps Luck Drive.

**Area of Property:** 5.608 acres

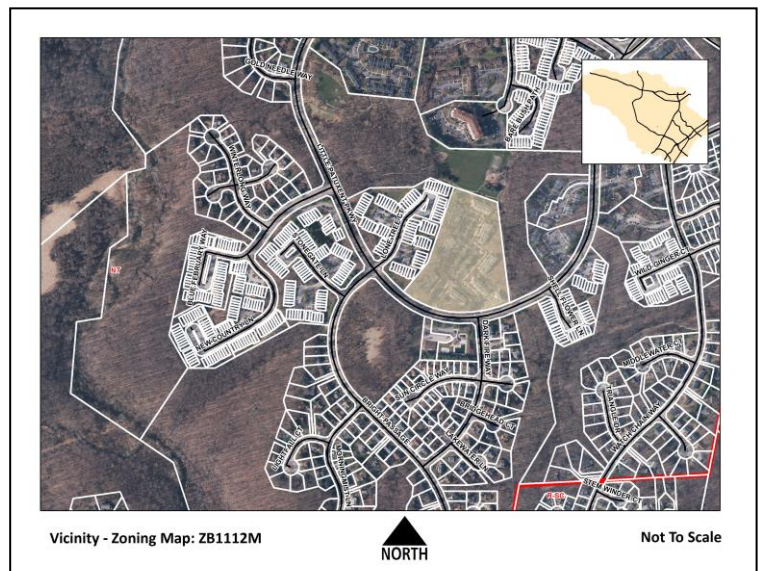
North side of Little Patuxent Parkway, north of the intersection with Dark Fire Way.  
Tax Map 35, Grid 10, Parcel 393, Lot PAR F-1; 11600-11674 Little Patuxent Parkway.

**Area of Property:** 11.00 acres

**Request:** Amend the existing Preliminary Development Plan for the Columbia New Town District (the “NT PDP”) to increase the density of the NT District from 2.3800 dwelling units per acre to 2.3809 dwelling units per acre, to assign the resulting 20 units of density to two specific properties, and to reduce the remaining acres of Single Family Low Density dwelling units from 7.550 acres to 1.550 acres, transfer that acreage to Single Family Medium Density acreage, and assign that Single Family Medium Density acreage to the Property.



5320 Phelps Luck Drive



11600 – 11674 Little Patuxent Pkwy

**I. DESCRIPTION OF PROPOSAL**

The Petitioner proposes the following amendments to the NT PDP to allow a 19 lot, medium density, single-family detached subdivision of the 5.6 acre property located at 5320 Phelps Luck Drive. Approval would permit converting an existing office in the Poplar Glen Apartments development located at 11608 Little Patuxent Drive to an apartment dwelling unit:

- 1) Increase the current maximum allowed residential density in the NT zoning district of 2.3800 dwelling units per acre to 2.3809, to permit 20 additional dwelling units.
- 2) Assign 19 residential dwelling units to 5320 Phelps Luck Drive and one residential dwelling unit to 11608 Little Patuxent Parkway in the Poplar Glen Apartments development to convert an office to an apartment dwelling unit.
- 3) Reduce the amount of Single-family Low Density Land Use acreage by six acres and increase the amount of Single-family Medium Density Land Use acreage by six acres in the NT PDP Land Use Chart.

A land use change is unnecessary for the office conversion, because the Poplar Glen Apartments property is designated Apartments.

The land use designations for 5320 Phelps Luck Drive are depicted on Final Development Plan FDP-77-A-III. The larger Parcel N is designated Single-family Medium Density and Parcel O is Commercial.

Based upon the proposal, if the request is approved the NT PDP Land Use Chart, which does not account for fractional acreage, would be revised as follows:

PDP Land Uses	Existing Allowed by PDP		Proposed Amended PDP		Acres Difference
	Acres	Percent	Acres	Percent	
Single-family Low Density	1,479	10.4	1,473	10.3	- 6
Single-family Medium Density	3,015	21.1	3,021	21.2	+ 6
Apartments	1,724	12.1	1,724	12.1	
Employment Center	2,694	18.8	2,694	18.8	
Open Space	5,360	37.6	5,360	37.6	
<b>TOTAL</b>	<b>14,272</b>		<b>14,272</b>	<b>100%</b>	<b>0</b>

A separate Petition (ZB 1113M) for the office conversion is being processed concurrently with this Petition. That case proposes to amend the NT PDP by increasing the total NT residential density by one dwelling unit. However, if this Petition is approved then ZB 1113M is unnecessary.

It should be noted that this Petition does not involve the approval of a plan for the eventual development of the Property. An FDP amendment will be required to change the land use designation of Parcel O from Commercial to Single-family Medium Density. Additionally, the creation of 19 lots will require approval of subdivision and site development plans.

## II. ZONING HISTORY

### A. New Town Zoning Board Cases

1. Case No. ZB 412  
Petitioner: HRD  
Request: From various zoning districts to NT  
Action: Approved on August 10, 1965.
2. Case No. ZB 644  
Petitioner: HRD  
Request: R-40 to NT and amend the PDP  
Action: Approved on January 7, 1974.
3. Case No. ZB 693  
Petitioner: HRD  
Request: R-20, R-40 and B-2 to NT and amend the PDP  
Action: Approved on December 20, 1976.
4. Case No. ZB 817  
Petitioner: HRD  
Request: Amend the PDP and amendment to the NT Zoning Regulations  
Action: Approved on September 9, 1986.
5. Case No. ZB 918M  
Petitioner: HRD  
Request:
  - a) Rezone 13 parcels of land totaling 89 acres to NT
  - b) Amend the PDP
  - c) Increase the population density in the NT district from 2.2 to 2.35 dwelling units per acreAction: Approved with modifications on March 17, 1992 (PDP dated June 1992)
6. Case No. ZB 939M  
Petitioner: HRD  
Request:
  - a) To annex and rezone 0.71 acres from R-12 to NT
  - b) To amend the PDP to modify existing land use areas.Action: Approved on November 19, 1992
7. Case No. ZB 969M  
Petitioner: HRD  
Request:
  1. Annex 134.84 acres to the Columbia New Town District and rezone this property from M-1 (Manufacturing: Light) to NT (New Town).
  2. Amend the existing Preliminary Development Plan (PDP) for the Columbia New Town District to designate the Annexation Parcel as 98.0 acres of Employment Center and 36.84 acres of Open Space.
  3. Amend the existing Preliminary Development Plan (PDP) for the Columbia New Town District to redesignate 27 total acres of Employment Center land in three areas located in the Town Center as 23.0 acres of Apartments and 4.0 acres of Open Space.

4. Revise the land use acreage and percentage calculations on the PDP.  
Action: Approved in part on October 23, 1995
8. Case No. ZB 1031M  
Petitioner: HRD  
Request: Amend the existing Preliminary Development Plan (PDP) for the Columbia New Town District to increase the overall maximum density from 2.35 to 2.5 dwelling units per gross acre.  
Action: Denied, March 24, 2004, but with lesser increases granted for specific purposes.
9. Case No. ZB 1095M  
Petitioner: HRD  
Request: Amend the existing Preliminary Development Plan (PDP) for the Columbia New Town District to:  
1. Increase the overall allowable maximum density in the Columbia New Town District by .0052 dwelling units per gross acre, from 2.3643 to 2.3695 dwelling units per gross acre.  
2. Increase the allowable acreage for Apartment Land Uses from 1,707 to 1,724 acres.  
3. Decrease the allowable acreage for Employment Center Uses from 2,711 to 2,694 acres.  
4. To change the Land Use designation of approximately 16.60 acres of the 18.68 acre New Town-zoned subject property from Employment Center Land Use to Apartments Land Use except for approximately 2.03 acres adjoining the M-1-zoned property.  
Action: Granted, April 19, 2012
10. Case No. ZB 1096M  
Petitioner: Wilde Lake Business Trust  
Request: To amend the existing Preliminary Development Plan for the New Town District of Columbia for a Major Village Center Redevelopment of the existing Wilde Lake Village Center on approximately 10.21 acres of land.  
Action: Granted, July 9, 2012

## **5320 Phelps Luck Drive**

### **III. BACKGROUND INFORMATION**

#### **A. Site Description**

The 5.6 acre property has been used as a garden center for over 30 years. At the southeast corner of the Property are the entrance and a small parking lot. Southwest of the parking lot is the main building and plant display areas. Farther to the west are more plant display areas and an old house. The area north of the parking lot is used for outdoor storage for merchandise, materials, vehicles and equipment.

#### **B. Vicinal Properties**

North of the Property is a narrow Open Space lot zoned NT and the MD 108 right-of-way. Across MD 108 is a small shopping center zoned B-1. All other adjacent properties are zoned NT. Across Phelps Luck Drive, to the east of the Property, is a Single-family Medium Density designated area with single-family detached dwellings fronting on Flight Feather and the north side of High Tor Hill. On the south side of High Tor Hill is an Open Space lot, which is the site of the Phelps Luck Neighborhood Center and a small carryout restaurant. South of the Property is a relatively narrow strip of Open Space Lot 559 used for a pathway, and a Single-family Medium Density designated area with single-family detached dwellings fronting on Graywing Court. The properties to the west are Open Space Lot 559 and a Single-family Medium Density designated area with single-family detached dwellings fronting on Luckpenny Place.

#### **C. General Plan**

The Property is designated Established Community on the Designated Place Types Map of the PlanHoward 2030 General Plan, and is designated Commercial on the Land Use Map.

Phelps Luck Drive is depicted as a Minor Collector on the Transportation Map of the PlanHoward 2030 General Plan.

#### **D. Agency Comments**

The following agencies had no objections to the proposal:

1. Office of Transportation
2. Department of Inspections, Licenses and Permits

### **IV. EVALUATIONS AND CONCLUSIONS**

#### **A. Relation to the General Plan**

The General Plan designates this property as an Established Community area. The original FDP was approved in 1970 with the majority of the Property designated a Single-family Medium Density land use area. The proposed amendment will allocate additional residential density to the Property, which will enable redevelopment for single-family detached, residential lots. The residential uses will be more compatible with surrounding homes than the existing commercial use. It consists of outdoor storage/display areas, commercial vehicles, and commercial buildings. Therefore, this proposal is in harmony with Policy 10.1 to "Protect and enhance established

communities through compatible infill, sustainability improvements, and strategic public infrastructure investments” by allowing an eventual compatible infill development to occur.

**B. Evaluation of the Petition Based on the Section 125.B.3**

The NT District regulations do not contain criteria to evaluate amendments to an approved NT PDP. Rather, Section 125.B.3 only provides “guides and standards” to evaluate petitions that establish entirely new NT districts, by applying them broadly to large land tracts. Unfortunately, these guides and standards were never envisioned to assess minor amendments, affecting a specific parcel.

In a previous NT PDP amendment case (ZB 1095M), DPZ evaluated the proposed amendment according to the 125.B.3 guides and standards that could be applied to an individual property; rather than applying all of the Section 125.B.3 review standards. DPZ has evaluated this proposed amendment using the same approach.

**The appropriateness of the location of the NT District as evidenced by the General Plan for Howard County**

As noted above in subsection A, DPZ finds that the proposed amendments are in harmony with Policy 10.1, which is to “Protect and enhance established communities through compatible infill, sustainability improvements, and strategic public infrastructure investments.” This is achieved by allowing a compatible Single-family, Medium Density, infill development to replace the existing garden center.

**The effect of such District on properties in the surrounding vicinity**

The commercial zoning and development across MD 108 is well separated from the Property and is unlikely to be affected by a new residential development. Except for the small Commercial area, located across Phelps Luck Drive, the surrounding properties are either Single-family Medium Density residential lots, or Open Space. Replacing the garden center with a Single-family, Medium Density residential development will result in a more compatible relationship and have a positive effect on vicinal properties.

**The most appropriate use of the land / The character of the land within the District and its peculiar suitability for particular uses**

These two guides and standards assess whether the proposed residential uses are the most appropriate uses, based on the character of the land and its suitability for particular uses.

The existing garden center is not compatible with surrounding residential development, as it consists of commercial buildings, outdoor display/storage areas, numerous commercial vehicles, and has operational characteristics that conflict with a residential neighborhood.

DPZ believes that the Property is more suitable for a small, Single-family, Medium Density development, given that all of the adjoining properties within the NT zoning district are developed with single family dwellings, except for an open space lot and a community center. Additionally, the rectangular shape of the 5.6 acre Property is conducive to a well-designed residential subdivision. Furthermore, a majority of the Property has had a Single-family Medium Density land use designation for over 40 years.

**C. Evaluation of the Petition Based on Section 125.0.B.3.a., 125.0.B.3.b., and 125.0.B.3.c. (Required Zoning Board Findings)**

The petition shall be granted only if the Zoning Board affirmatively finds:

**a. That the petition complies with the provisions of these Regulations;**

The only additional requirement for a PDP amendment is to comply with the minimum land use percentages in Sec. 125.0.A.8. The Single-family Low Density minimum percentage is 10% and the Single-family Medium Density minimum percentage is 20%. The proposed amendments will result in a Single-family Low Density percentage of 10.3% and a Single-family Medium Density percentage of 21.2%.

**b. That a New Town District should be located at the proposed site; and**

The Property is already part of the New Town District; therefore, Section 125.0.B.3.b. does not apply.

**c. That the Preliminary Development Plan constitutes a general land use plan for the area covered thereby, designed to meet the objectives set forth in these Regulations.**

The Preliminary Development Plan will continue as the general land use plan for the area covered and is thereby designed to meet the objectives set forth in these Regulations. Consequently, 125.0.B.3.b. does not apply.

**11600-11674 Little Patuxent Parkway**

**V. BACKGROUND INFORMATION**

**A. Site Description**

The 11 acre property consists of 191 apartment dwelling units, an office in “Building A”, and a clubhouse with an office near the southeast corner.

**B. Vicinal Properties**

All adjacent properties are zoned NT. To the north and east of the property is a 26 acre open space lot, owned by the Columbia Association. To the west is a single family attached development consisting of 85 lots, while to the south is the Little Patuxent Parkway right-of-way, a community center, and single family detached dwellings.

**C. General Plan**

The Property is designated Established Community on the Designated Place Types Map of the PlanHoward 2030 General Plan, and is designated High Density Residential on the Land Use Map.

This portion of Little Patuxent Parkway is depicted as a Major Collector on the Transportation Map

of the PlanHoward 2030 General Plan.

**D. Agency Comments**

The following agencies had no objections to the proposal:

1. Office of Transportation
2. Department of Inspections, Licenses and Permits

**VI. EVALUATIONS AND CONCLUSIONS**

**A. Relation to the General Plan**

The General Plan designates this property as an Established Community area. The original FDP was approved in 1983 and designates the property an Apartments land use area. The proposed amendments create one unit of residential density that will be applied to the Property. This will allow an additional apartment in the Poplar Glen Apartments. Therefore, this proposal is in harmony with Policy 10.1 to “Protect and enhance established communities through compatible infill, sustainability improvements, and strategic public infrastructure investments” and enhances the longstanding Poplar Glen Apartments community.

**B. Evaluation of the Petition Based on the Section 125.B.3.**

**The appropriateness of the location of the NT District as evidenced by the General Plan for Howard County**

As noted above in subsection A, DPZ finds that ZB 1113M is in harmony with Policy 10.1 to “Protect and enhance established communities through compatible infill, sustainability improvements, and strategic public infrastructure investments” by enhancing the existing apartment community.

The proposal is also compatible with two other criteria in the General Plan. In Chapter 6, Growth, in the section on Changing Household Types, the plan states that “Smaller-sized housing will be in greater demand in the future. This demographic shift aligns well with the decreasing availability of land for the traditional single-family detached home and the increased emphasis on planning for more compact, higher-density residential development. Condominiums, apartments, and townhouses also will be a greater portion of the new homes built in the County in the future.” In Chapter 9, Housing, the section on Full Spectrum Housing defines that term as “...housing that accommodates various income levels and life stages. It should offer appropriate and proportionate housing for residents of all socioeconomic groups and ages.” Adding one apartment unit to the Property is in harmony with both of these statements.

**The effect of such District on properties in the surrounding vicinity**

The approved FDP allows 210 apartment dwelling units and the Property is developed with 191 apartment dwelling units. Adding one more dwelling unit is consistent with the approved FDP and will not impact surrounding properties.

**The most appropriate use of the land / The character of the land within the District and its**



**peculiar suitability for particular uses**

The Property has been designated as an Apartments land use area since 1983, it has developed as a 191 unit apartment complex, while the approved FDP allows up to 210 units. Therefore, the addition of one apartment dwelling unit is appropriate for the site.

**C. Evaluation of the Petition Based on Section 125.0.B.3.a., 125.0.B.3.b., and 125.0.B.3.c. (Required Zoning Board Findings)**

**The petition shall be granted only if the Zoning Board affirmatively finds:**

**a. That the petition complies with the provisions of these Regulations;**

The only additional requirement for a PDP amendment is compliance with the minimum land use percentages in Sec. 125.0.A.8. The office conversion will not affect the land use percentages, since there is no land use change being proposed.

**b. That a New Town District should be located at the proposed site; and**

The Property is already part of the New Town District, and therefore Section 125.0.B.3.b. does not apply.

**c. That the Preliminary Development Plan constitutes a general land use plan for the area covered thereby, designed to meet the objectives set forth in these Regulations.**

The Preliminary Development Plan continues as the general land use plan for the area covered. It is designed to meet the objectives set forth in these Regulations, and as more specifically reflected in the approved FDP. Consequently, 125.0.B.3.b. does not apply.

**VII. RECOMMENDATION**

For the reasons noted above, DPZ recommends that the request to amend the NT PDP to increase the density of the NT District from 2.3800 dwelling units per acre to 2.3809 dwelling units per acre, assign the resulting 20 units of density to the two identified properties, reduce the amount of Single-family Low Density Land Use acreage by six acres and increase the amount of Single-family Medium Density Land Use acreage by six acres, be APPROVED. In addition, if this petition is approved by the Zoning Board, DPZ recommends that ZB 1113M be DISMISSED, because the office conversion portion is addressed in both petitions.

Approved by:

 4/20/17  
Valdis Lazdins, Director Date

**NOTE: The file on this case is available for review by appointment at the Public Service Counter in the Department of Planning and Zoning.**